

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51609 of 2023

Arising Out of PS. Case No.-147 Year-2018 Thana- JALALGARH District- Purnia

1. Ajay Chouhan Son Of Prakash Chouhan Resident Of Village- Sisabari, Gulabbagh, Ps- Sadar, Dist- Purnea
2. Fodari Pandit Son Of Late Munni Pandit Resident Of Village- Sisabari, Gulabbagh, Ps- Sadar, Dist- Purnea
3. Kailash Pandit Son Of Fodari Pandit Resident Of Village- Sisabari, Gulabbagh, Ps- Sadar, Dist- Purnea
4. Santosh Pandit Son Of Fodari Pandit Resident Of Village- Sisabari, Gulabbagh, Ps- Sadar, Dist- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. N. A. Shamsi, Advocate
For the Opposite Party : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Jalalgarh P.S. Case No. 147 of 2018 dated 11.08.2018, instituted for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 10.08.2018 the informant's son along with Petitioner no. 1 and co-accused, Prakash Chouhan had gone to southern side of the village. Thereafter, petitioner nos. 2 to 4 had also gone in the same



direction. After sometime, the informant's son was found in unconscious state. He was hurriedly brought to the Primary Health Center where the Doctor, who attended him, declared him as brought dead.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the written complaint of the informant itself shows the truth of the case as in the last four lines of the first page of written complaint states that on 10.08.2018 at 10:00 hrs the victim had fallen down from the motorcycle and sustained injury on his left elbow as well as waist and ribs. Learned counsel further drew the attention of this court towards medical report which states that no metallic Alcoholic, Glucosidal pesticides or volatile poison could be detected in the contents of plastic jar and the cause of death is normal. It is next submitted that police in course of investigation, after examining the witnesses and inspecting the place of occurrence came to conclusion that no evidence has been found against the petitioners. Lastly, it has been submitted that petitioner no. 1 has clean antecedent, petitioner no. 2 has five criminal cases against him, petitioner no. 3 has two criminal cases against him and so far petitioner no. 4 is concerned, he has



five criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Jalalgarh P.S. Case No. 147 of 2018, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Purnea, subject to following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii). The bailor shall also state on affidavit that he will inform the Court concerned if the



petitioners are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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